

PROB 12C
(7/93)

Report Date: July 20, 2011

United States District Court

for the

Eastern District of Washington

Petition for Warrant or Summons for Offender Under Supervision

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

JUL 20 2011

JAMES R. LARSEN, CLERK
DEPUTY
SPOKANE, WASHINGTON

Name of Offender: Devin W. Prouty

Case Number: 2:09CR02094-004

Address of Offender:

Name of Sentencing Judicial Officer: The Honorable Edward F. Shea, U.S. District Judge

Date of Original Sentence: 5/12/2010

Original Offense: Unauthorized Excavation, Removal, Damage, Alteration, or Defacement of Archeological Resources, 16 U.S.C. § 470ee

Original Sentence: Probation - 24 Months

Type of Supervision: Supervised Release

Asst. U.S. Attorney: Jane Kirk

Date Supervision Commenced: 6/30/2011

Defense Attorney: Federal Defender's Office

Date Supervision Expires: 8/3/2011

PETITIONING THE COURT

To issue a summons.

The probation officer believes that the offender has violated the following condition(s) of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
1	<p><u>Special Condition # 19:</u> The defendant shall abstain from the use of illegal controlled substances, and shall submit to urinalysis testing, as directed by the supervision officer, but no more than six tests per month, in order to confirm continued abstinence from these substances.</p> <p><u>Supporting Evidence:</u> Mr. Prouty failed to submit to urinalysis testing on July 14, 2011.</p> <p>On July 14, 2011, this officer conducted a home visit at the defendant's residence. Mr. Prouty was instructed to produce a urine sample for testing. This officer waited 45 minutes for Mr. Prouty to produce the specimen, but he was not able to provide a urine sample.</p>
2	<p><u>Standard Condition # 3:</u> The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer.</p> <p><u>Supporting Evidence:</u> Mr. Prouty failed to report to the Washington State Department of Corrections (DOC) to submit to a urinalysis specimen as instructed on July 15, 2011.</p>

Prob12C

Re: Prouty, Devin W.

July 20, 2011

Page 2

On July 14, 2011, Mr. Prouty was directed to report to the DOC office in Goldendale, Washington, to provide a urine sample no later than 8:30 a.m. on July 15, 2011. Mr. Prouty failed to report as instructed. Shortly after 2 p.m. this same date, Mr. Prouty called and advised he slept until noon and missed his appointment. Mr. Prouty was reminded of the specific reporting instructions given the previous day. Mr. Prouty was advised there was no DOC officer available to collect a urine sample and was directed to report to the probation office. Mr. Prouty stated he would try to find a ride, however, he failed to report as directed.

- 3 **Mandatory Condition # 6:** If this judgment imposes a fine or a restitution obligation, it shall be a condition of supervised release that the defendant pay any such fine or restitution that remains unpaid at the commencement of the term of supervised release in accordance with the schedule of payments set forth in the criminal monetary penalties sheet of this judgment.

Supporting Evidence: Mr. Prouty has failed to make a payment towards his restitution as of July 20, 2011.

On June 30, 2011, Mr. Prouty stated he would be making a payment towards his restitution with his per capita funds. As of July 20, 2011, no payment has been received.

The U.S. Probation Office respectfully recommends the Court issue a summons requiring the defendant to appear to answer to the allegations contained in this petition.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 07/20/2011

s/Jose Zepeda

Jose Zepeda
U.S. Probation Officer

THE COURT ORDERS

☐ No Action

☒ The Issuance of a Warrant

☒ The Issuance of a Summons

☐ Other

Howard R. Shea

Signature of Judicial Officer

7/20/11

Date